

EXHIBIT 10

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FOUR HUNDRED SIXTY THREE THOUSAND
FOUR HUNDRED NINETY SEVEN DOLLARS
AND SEVENTY TWO CENTS (\$463,497.72)
IN U.S. CURRENCY FROM BEST BANK
ACCOUNT # XXX2677, NINETEEN
THOUSAND NINE HUNDRED THIRTY
SIX DOLLARS AND SEVENTY SEVEN
CENTS (\$19,936.77) IN U.S. CURRENCY
FROM BEST BANK ACCOUNT # XXX8558,
ONE HUNDRED ONE THOUSAND FIVE
HUNDRED EIGHTY THREE DOLLARS
AND NINETY EIGHT CENTS (\$101,583.98)
IN U.S. CURRENCY FROM COUNTRYWIDE
BANK ACCOUNT # XXX5890, NINETEEN
THOUSAND NINE HUNDRED EIGHTY SEVEN
DOLLARS AND SEVEN CENTS (\$19,987.07)
IN U.S. CURRENCY FROM COMERICA BANK
ACCOUNT # XXX0766, BEST BUY BANK
ACCOUNT # 259207438, ONE HUNDRED ONE
THOUSAND SEVEN HUNDRED AND THREE
DOLLARS AND TEN CENTS (\$101,703.10) IN
U.S. CURRENCY FROM COUNTRYWIDE
BANK ACCOUNT # XXX5890, NINETEEN
THOUSAND NINE HUNDRED TWELVE
DOLLARS AND SEVEN CENTS (\$19,912.07)
IN U.S. CURRENCY FROM COMERICA BANK
ACCOUNT # XXX0766, FIFTY ONE THOUSAND
THREE HUNDRED SEVENTEEN DOLLARS AND
SIX CENTS (\$51,317.06) IN U.S. DOLLARS FROM
COUNTRYWIDE BANK ACCOUNT # XXX7528,
and SAFSCRIPT PHARMACY # 19, LLC,

Case No. 08-11564
Hon. David M. Lawson

ORDER GRANTING IN PART
AND DENYING IN PART
CLAIMANT'S EMERGENCY
MOTION TO COMPEL
DISCOVERY, GRANTING
CLAIMANT'S MOTION IN
LIMINE TO EXCLUDE
TESTIMONY OF JOSEPH
RANNAZZISI, AND DENYING
CLAIMANT'S MOTION IN
LIMINE TO EXLCUDE
TESTIMONY OF DAVID
PLUMMER

Defendants,

and

STACEY HOGAN GIANOPLOS, RONALD G.
CARSON, and H.D. SMITH WHOLESALE DRUG
COMPANY, INC.,

Claimants.

**ORDER GRANTING IN PART AND DENYING IN PART CLAIMANT'S EMERGENCY
MOTION TO COMPEL DISCOVERY, GRANTING CLAIMANT'S MOTION IN
LIMINE TO EXCLUDE TESTIMONY OF JOSEPH RANNAZZI, AND DENYING
CLAIMANT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DAVID
PLUMMER**

The matter is before the Court on claimant H.D. Smith Wholesale Drug Company's emergency motion to compel discovery and motions *in limine* to exclude the testimony of David Plummer and Joseph Rannazzisi. The Court has reviewed the parties's submissions and heard oral argument on August 1, 2011. At the conclusion of oral argument, the Court announced its decision from the bench.

Accordingly, it is **ORDERED** that claimant H.D. Smith Wholesale Drug Company's emergency motion to compel discovery [dkt. #153] is **GRANTED IN PART AND DENIED IN PART** for the reasons stated on the record.

It is further **ORDERED** that the plaintiff may call Kyle Wright as a witness but may not use any document or e-mail created by Kyle Wright in its case-in-chief. H.D. Smith Wholesale Drug Company may introduce e-mails or documents created by Kyle Wright. Should Kyle Wright be called to testify, the parties are free to argue for the appropriate consequences resulting from Kyle Wright's destruction of potential evidence.

It is further **ORDERED** that claimant H.D. Smith Wholesale Drug Company's motion *in limine* to exclude the witness testimony of Joseph Rannazzisi [dkt. #151] is **GRANTED** for the reasons stated on the record.

It is further **ORDERED** that claimant H.D. Smith Wholesale Drug Company's motion *in limine* to exclude the witness testimony of David Plummer [dkt. #152] is **DENIED** as long as the plaintiff produces him for a discovery deposition **on or before August 5, 2011 in Detroit, Michigan.**

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 2, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 2, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL